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9 NATIONAL RAILROAD PASSENGER
10 CORPORATION dba AMTRAK and JOE DEELY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOHN EARL CAMPBELL

14 Plaintiff,

15 v.

16 NATIONAL RAILROAD PASSENGER
17 CORPORATION dba AMTRAK, STEVE
18 SHELTON, PATSY HALL, JOE DEELY and
19 DOES 1-15, inclusive,

20 Defendants.

Case No. C05-05434 MJJ

**DECLARATION OF JOE DEELY IN
SUPPORT OF DEFENDANT
NATIONAL RAILROAD PASSENGER
CORPORATION'S AND JOE DEELY'S
MOTIONS FOR SUMMARY
JUDGMENT, OR IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Date: May 8, 2007
Time: 9:30 a.m.
Ctrm.: 11
Judge: The Hon. Martin K. Jenkins

Complaint Filed: 12/30/05
FAC Filed: 2/23/06
Trial: 7/23/2007

21 I, Joe Deely, hereby declare:

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23 1. I am an employee of NATIONAL RAILROAD PASSENGER CORPORATION
24 dba AMTRAK (hereafter "Amtrak"). I have been employed as General Superintendent for
25 Amtrak with responsibility for the Company's Pacific Division since November 2002. If called
26 to testify, I could and would competently testify to the matters set forth below, which are within
27 my personal knowledge.
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1 2. As General Superintendent of the Pacific Division, I am ultimately responsible for
2 supervising all of the departments in the Division, including transportation, mechanical, on-board
3 service, and station, which includes approximately 1,250 employees. I have five direct reports
4 including three District Superintendents, a Manager of Business Operations, and an
5 Administrator.

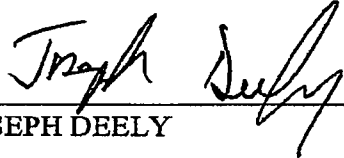
6 3. In the normal course of my job duties as General Superintendent, I routinely
7 review and approve the written recommendations of my District Superintendents (Discipline
8 Assessment Worksheets) with respect to their evaluations and assessments of employee
9 discipline. I also routinely review and approve any such Discipline Assessment Worksheet by
10 one of my Superintendents that recommends an employee for termination for violating Amtrak
11 rules and policies.

12 4. Steve Shelton was the Bay District Superintendent at the time of John Campbell's
13 termination of employment on September 17, 2004. I do not recall receiving a Discipline
14 Assessment Worksheet from Mr. Shelton recommending Mr. Campbell's termination of
15 employment, nor do I recall speaking with Mr. Shelton regarding Mr. Campbell's termination in
16 September 2004. Nevertheless, based on my normal and routine practice, and based on my
17 review of the business reasons for Mr. Campbell's termination, I believe that I would have
18 approved Mr. Shelton's recommendation to terminate Mr. Campbell's employment.

19 5. At the time Mr. Campbell was separated, I had no information that he had filed an
20 EEOC charge some eight months before (on January 28, 2004), charging that he was passed by
21 for a promotion to Engineer because of his race. Indeed, I did not learn of that or any EEOC or
22 DFEH charge until after Mr. Campbell filed this lawsuit on December 30, 2005.

23 6. I do not recall ever speaking to or having any interaction with Mr. Campbell
24 during his employment with Amtrak. Indeed, I did not know who Mr. Campbell was and thus
25 also had no awareness of his race during his employment with Amtrak. Therefore, assuming I
26 approved Mr. Campbell's termination of employment in September 2004 — as I believe I did —
27 Mr. Campbell's race did not and could not have played any part in my approval of Mr. Shelton's
28 decision.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed this 30th day of March 2007 in Oakland, California.

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6 JOSEPH DEELY
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